

Translation

PATENT COOPERATION TREATY

PCT/EP2003/006301



PCT Rec'd PCT/PTO 17 DEC 2004

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

10/518362

Applicant's or agent's file reference P800442/WO/1	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/006301	International filing date (day/month/year) 14 June 2003 (14.06.2003)	Priority date (day/month/year) 21 June 2002 (21.06.2002)
International Patent Classification (IPC) or national classification and IPC B60R 11/02		
Applicant DAIMLERCHRYSLER AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>3</u> sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 12 November 2003 (12.11.2003)	Date of completion of this report 30 June 2004 (30.06.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.

PCT/EP2003/006301

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____ 1-7 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____ 1-9 _____, filed with the letter of _____ 18 June 2004 (18.06.2004)
- ☒ the drawings:
 pages _____ 1/3-3/3 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1-9	YES
	Claims		NO
Inventive step (IS)	Claims	1-9	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

2. Citations and explanations**1. Prior art**

Reference is made to the following documents:

D1: DE 100 32 657 A

D2: DE 198 17 345 A (cited in the application)

D3: DE 199 59 307 A.

2. Dependent claim 1

The subject matter of claim 1 satisfies the requirements of the PCT in respect of novelty and inventive step (PCT Article 33(2) and (3)).

D1 discloses a retaining device for a telephone, as per the preamble of claim 1 (see D1, paragraphs 18 and 19; figure 4). The characterising features of claim 1 are not known from the available prior art. Reliability is increased by the use of two different drive configurations and by taking power from the mechanical drive, which comprises energy storage devices, in order to open the cover.

/...

D2 does not state whether a separate drive is provided for raising the cover. However, the telephone *per se* is swivelled by means of a drive (see column 3, lines 27-37). As a rule, a person skilled in the art endeavours to reduce the number of drives in order to minimise cost and weight. Therefore, D2 is not prejudicial in respect of the novelty of claim 1 or of an inventive step in said claim. D3 discloses a common control device and also displacement into the position for use or into the stowed position (column 6, lines 2-38).

Thus, in the light of D2 or D3, a person skilled in the art proceeding from D1 had no incentive to arrive at the subject matter of claim 1.

3. Dependent claims

The dependent claims relate to developments and embodiments of the invention and, in the light of the back-references, likewise satisfy the requirements of the PCT in respect of novelty and inventive step.

4. Industrial applicability

The subject matter of claims 1 to 9 appears to satisfy the requirement of PCT Article 33(4) since it can at least be used in the automotive industry.

5. Observations

- 5.1 The description has not been brought into line with the amended claims (PCT Rule 5.1(a)(iii)).

5.2 Contrary to PCT Rule 5.1(a)(ii), the description does not cite D1 or indicate the relevant prior art disclosed therein.

5.3 Pursuant to PCT Rule 10.2, the terminology must be consistent throughout the application. This requirement has not been met (see, for example: "spring drive", "spring accumulator" and "spring").